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## 1 UNITED STATES BANKRUPTCY COURT 2 EASTERN DISTRICT OF CALIFORNIA 3 In re: 4 5 Case No. 14-25512-C-13 VISHAAL VIRK, 6 Debtor. 7 Adversary No. 21-02078-C VISHAAL VIRK, 8 Plaintiff, 9 10 RONNY DHALIWAL and SUNITA DHALIWAL, 11 Defendants. 12

## MEMORANDUM OF RESOLUTION AGREED BY PARTIES

The parties agreed on the record in open court on January 12, 2022, to terminate this adversary proceeding based on the following agreed facts.

Ronny Dhaliwal and Sunita Dhaliwal obtained a money judgment against Skymart and Vishaal Virk in the amount of \$285,000.00 that was entered on May 14, 2013 in the Superior Court of California, County of Sacramento, in Case No. 34-2011-00103167.

An Abstract of Judgment was recorded on October 30, 2013 in Sacramento County, which had the effect of creating a judicial lien on Vishaal Virk's residence at 9646 Rivage Way, Elk Grove, CA 95624.

Vishaal Virk filed on May 24, 2014, Chapter 13 Case
No. 2014-25512, in the United States Bankruptcy Court for the
Eastern District of California.

The Dhaliwals filed a proof of claim in Virk's Chapter 13 case on October 14, 2014, based on the \$285,000.00 judgment, the accrued total of which was claimed to have risen to \$344,568.66 with judgment interest and costs.

During the course of the Chapter 13 case, it was determined that the secured amount of the Dhaliwal judgment lien against 9646 Rivage Way was \$22,311.00. The Chapter 13 Trustee paid the Dhaliwals \$22,311.00 pursuant to the terms of Virk's confirmed Chapter 13 plan.

The unpaid balance of the judgment debt was determined to be an unsecured claim subject to discharge upon completion of the plan.

The Chapter 13 plan was completed. To the extent claims were secured, they were paid in full. Virk received a discharge of all unsecured debts on November 16, 2020. Hence, Virk has no continuing liability to the Dhaliwals.

Virk complains that the Dhaliwals have not executed a release of their recorded judgment lien, which is impeding his ability to sell 9646 Rivage Way, and seeks imposition of penalties and damages on six counts alleged in the complaint.

The parties agreed that the judgment debt in Case No. 34-2011-00103167 has been fully paid and that the lien based on the Abstract of Judgment should be deemed to have been fully paid and that the judgment lien may be avoided.

It was further agreed that this court could immediately exercise its authority under Federal Rule of Civil Procedure 70, as incorporated and expanded by Federal Rule of Bankruptcy Procedure 7070, to order and adjudge that the Dhaliwal judgment

lien be released and extinguished as having been fully paid. And, the plaintiff agreed that upon entry of such a judgment, all other causes of action could be dismissed.

A judgment deeming the Dhaliwal Abstract of Judgment in Case No. 34-2011-00103167 to be released and extinguished as having been fully paid shall be entered.

Dated: January 14, 2022

United States Bankruptcy Judge

INSTRUCTIONS TO CLERK OF COURT 1 SERVICE LIST 2 The Clerk of Court is instructed to send the attached 3 document, via the BNC, to the following parties: Vishaal Virk 4 9646 Rivage Way 5 Elk Grove, CA 95624-4443 Peter G. Macaluso 6 7230 South Land Park Drive #127 Sacramento, CA 95831 8 Ronny Dhaliwal 2622 Lunar Lane, Apt. #3 Sacramento, CA 95864 10 Sunita Dhaliwal 2622 Lunar Lane, Apt. #3 11 Sacramento, CA 95864 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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